



# UNITED STATES PATENT AND TRADEMARK OFFICE

*AA*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,738	11/17/2003	Thomas W. Nickerson	1958.2015-000	4653

58403 7590 02/06/2007  
BARRY W. CHAPIN, ESQ.  
CHAPIN INTELLECTUAL PROPERTY LAW, LLC  
WESTBOROUGH OFFICE PARK  
1700 WEST PARK DRIVE  
WESTBOROUGH, MA 01581

EXAMINER	
THANGAVELU, KANDASAMY	

ART UNIT	PAPER NUMBER
2123	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/714,738

Applicant(s)

NICKERSON ET AL.

Examiner

Kandasamy Thangavelu

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the Applicant's Response mailed on December 12, 2006. Claim 4 was amended. Claims 18-21 were canceled. Claims 1-17 of the application are pending. This office action is made non-final.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6, 8-10 and 14-17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.1 Claim 1 states, "receiving a request for a web page from a client, the client having a browser session established at another server; and

providing a web page including a heartbeat page element that transmits heartbeat messages to the another server to maintain a state of the browser session at the another server".

It is not understood as to who receives the request for a web page from a client and who provides the web page and whom does it provide the web page. It states that there is another server. Does it mean there are two servers or only one server?

3.2 Claim 2 states, “providing a monitor in the web page that detects whether the another server is available from responses to the heartbeat messages”.

Who provides the monitor in the web page and to whom does it provide the monitor?

Who detects that the another server is available or not?

3.3 Claim 3 states, “providing a monitor in the web page that detects user inactivity if the page identifier is unchanged for a predetermined time”.

Who provides the monitor in the web page and to whom does it provide the monitor?

Who detects that the page identifier is unchanged for a predetermined time?

3.4 Claim 4 states, “providing a monitor in the web page that detects server unavailability if the state identifier is invalid for a predetermined time”.

Who provides the monitor in the web page and to whom does it provide the monitor?

Who detects server unavailability if the state identifier is invalid for a predetermined time?

3.5 Claim 5 states, “accessing data from the state of the browser session being maintained at the another server by transmission of the heartbeat messages”.

Who accesses data from the state of the browser session being maintained at the another server? Who transmits the heartbeat messages?

3.6 Claim 6 states, “providing a proxy page element in the web page;

receiving a request for a partial page update from the proxy page element in response to an event triggered in the web page;  
communicating modification instructions to the proxy page element for the partial page update to page content in the web page, the modification instructions affecting less than the entire page content in the web page”.

Who provides a proxy page element in the web page? Who receives a request for a partial page update from the proxy page element? Who communicates modification instructions to the proxy page element?

3.7 Claim 8 states, “receiving the web page from the second server, the web page including a heartbeat page element; and

transmitting heartbeat messages from the heartbeat page element to the first server to maintain a state of the browser session while continuing to communicate with the second server”.

Who receives the web page from the second server? Who transmits the heartbeat messages from the heartbeat page element?

3.8 Claim 9 states, “providing a web page including a page identifier and a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time”.

Who provides a web page including a page identifier? Who detects user inactivity if the page identifier is unchanged for a predetermined time?

Art Unit: 2123

3.9 Claim 10 states, “providing a web page including page content having a state identifier and a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time”.

Who provides a web page including page content having a state identifier? Who detects server unavailability if the state identifier is unchanged for a predetermined time?

3.10 Claim 14 states, “receiving a request for a web page from a client, the client having a browser session established at another server; and

providing a web page including a heartbeat page element that transmits heartbeat messages to the another server to maintain a state of the browser session at the another server”.

It is not understood as to who receives the request for a web page from a client and who provides the web page and whom does it provide the web page. It states that there is another server. Does it mean there are two servers or only one server?

3.11 Claim 15 states, “receiving the web page from the second server, the web page including a heartbeat page element; and

transmitting heartbeat messages from the heartbeat page element to the first server to maintain a state of the browser session while continuing to communicate with the second server”.

Who receives the web page from the second server? Who transmits the heartbeat messages from the heartbeat page element?

Art Unit: 2123

3.12 Claim 16 states, “providing a web page including a page identifier and a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time”.

Who provides a web page including a page identifier? Who detects user inactivity if the page identifier is unchanged for a predetermined time?

3.13 Claim 17 states, “providing a web page including page content having a state identifier and a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time”.

Who provides a web page including page content having a state identifier? Who detects server unavailability if the state identifier is unchanged for a predetermined time?

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1- 17 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Claims 1-17 do not produce any useful, tangible and concrete results. Therefore these claims cannot be patented under 35 USC 101.

***Response to Arguments***

6. Applicants' arguments with respect to 35 USC 102 (e) and 103 (a) rejections are persuasive. Claim rejections under 35 USC 102 (e) and 103 (a) are withdrawn in response to Applicants' arguments. Additional claim rejections under 35 USC 112 Second Paragraph and 35 USC 101 are included in this Office Action.

6.1 As per the applicants' argument that "at no point in either the cited text or elsewhere in the text does Tsuji et al. disclose providing a web page including a heartbeat page element that transmits heartbeat messages to the another server to maintain a state of the browser session at the another server; the notification manager is part of the application server according to Tsuji et al., which is not a web page; the notification manager is not an element of a web page; therefore, Tsuji et al. does not disclose this element of Applicants' independent claim", the Examiner has withdrawn claim rejections under 35 USC 102 (e).

6.2 As per the applicants' argument that "nowhere does the text of Reisman disclose a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time; therefore, Reisman does not disclose this element of Applicants' independent claim 10", the Examiner has withdrawn claim rejections under 35 USC 102 (e).

6.3 As per the applicants' argument that "though Grant et al. does teach monitoring user activity, and though Grant et al. does suggest monitoring user inactivity, the mechanism Grant et



Art Unit: 2123

al. teaches to accomplish either of these tasks involves logging user interactions and bubble drops; nowhere does the cited text of Grant et al. teach or suggest a monitor that detects user inactivity if a page identifier is unchanged for a predetermined time, as required by Applicants' independent claim 12; the term "page identifier" does not appear anywhere in the text of Grant et al. Grant et al. thus does not teach or suggest a server communicating a web page to a client, the web page including a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time, as required by Applicants' independent claim 12", the Examiner has withdrawn claim rejections under 35 USC 103 (a).

### ***Conclusion***

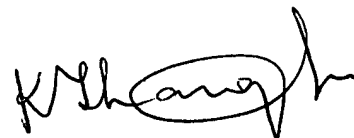
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 571-272-3717. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2100 Group receptionist: 571-272-2100.

Art Unit: 2123

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Thangavelu', with a stylized flourish at the end.

K. Thangavelu  
Art Unit 2123  
February 1, 2007